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**Technology, Energy & Communications  
Committee**

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**HB 2968**

**Brief Description:** Regarding the loss of an electronic device.

**Sponsors:** Representative Hudgins.

**Brief Summary of Bill**

- Requires an issuing company to deactivate or disable a personal electronic device, if feasible, upon receiving notice from the owner of the device that it has been lost or stolen.

**Hearing Date:** 1/27/10

**Staff:** Kara Durbin (786-7133).

**Background:**

Theft of property or services is a crime. The penalties for property crimes are generally based on the actual value of the property stolen. A person is guilty of theft in the third degree if the person steals property or services that do not exceed \$750 in value. Theft in the third degree is a gross misdemeanor. A gross misdemeanor carries a maximum penalty of one year in jail, a \$5,000 fine, or both.

Police incident reports are used for many reasons such as recording arrests, domestic disputes, traffic accidents, burglaries, fraud, theft, crimes, and other incidents. There is no statute that specifies when, where, or if an incident report has to be created by a law enforcement when a theft of property or services has occurred.

**Summary of Bill:**

Theft of a Personal Electronic Device.

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An issuing company must deactivate or disable a personal electronic device, if feasible, and stop providing content to the personal electronic device if the issuing company receives from a consumer: (1) a copy of a police report, evidencing the consumer's claim of theft; and (2) proof of the consumer's ownership of the device. The issuing company may decline to deactivate or disable a personal electronic device if the issuing company believes the device was not stolen.

An issuing company may not be held liable if, due to misrepresentation by the owner, the issuing company deactivates or disables a personal electronic device possessed by a person that is the rightful owner of the device. A consumer that misrepresents material facts in a police report regarding the loss or theft of a personal electronic device may be liable for perjury.

Upon request, all police and sheriff's departments must provide to the consumer a copy of any police report evidencing the consumer's claim to be a victim of theft. These provisions do not require law enforcement to investigate reports claiming theft of a personal electronic device.

#### Loss of a Personal Electronic Device.

An issuing company may not sell content in connection with a personal electronic device to a consumer that is not the owner of the device, if the owner of the device provides a notarized statement to the company attesting that the device has been lost.

#### Definition of Personal Electronic Device.

Personal electronic device is defined as a privately owned wireless or portable electronic handheld piece of equipment. Personal electronic device may also include: (1) any current or emerging wireless handheld technologies or portable information technology systems; or (2) electronic devices designed and sold with the intention of establishing an ongoing relationship with a vendor, such as a subscription to content or access.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.